

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS McDANIEL,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK, et
al,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/11/2021

1:19-CV-7680 (AJN) (KHP)

ORDER

CURTIS McDANIEL,

Plaintiff,

-against-

NYC FIRE DEPARTMENT, NYC POLICE
DEPARTMENT, JOHN and JANE DOES 1-7,
CITY OF NEW YORK,

Defendants.

KATHARINE H. PARKER, United States Magistrate Judge:

On May 17, 2021, the Plaintiff requested permission to add information to his Second Amended Complaint at ECF No. 14 but did not provide the proposed amended pleading. (ECF No. 60.)

Under Federal Rule of Civil Procedure 15, a party must a proposed amendment or new pleading with a motion to amend. *See* 3 James Wm. Moore et al., *Moore's Federal Practice* ¶¶ 15. 17[1] (3d ed. 2004). The “failure to submit a proposed amended complaint constitutes sufficient grounds to deny a motion to amend.” *Murray v. New York*, 604 F. Supp. 2d 581, 588 (W.D.N.Y. 2009) (citing *LaBarbara v. Ferran Enterprises, Inc.*, 2009 WL 367611, at *3 (E.D.N.Y.

Feb. 10, 2009) (“In order to meet the requirements of particularity in a motion to amend, a complete copy of the proposed amended complaint must accompany the motion so that both the court and the opposing party can understand the exact changes sought.”)). Accordingly, Plaintiff’s request is denied without prejudice.

To the extent Plaintiff seeks to amend his complaint, he must provide the Court and Defendants with the proposed amended pleading together with a letter requesting a pre-motion conference in accordance with the Individual Practices of this Court. At any such conference, the Court will determine whether briefing is needed or, alternatively, whether Defendants consent to the amended pleading.

The Clerk of Court is requested to mail a copy of this order to the Plaintiff.

SO ORDERED.

Dated: June 11, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge

**The Clerk of Court is requested to mail a copy
of this order to:**

**Curtis McDaniel
DIN # 20-A-0242
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, NY 12953**